

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

TINA MICHELLE BRAUNSTEIN,

Plaintiff,

-against-

SAHARA PLAZA, LLC and THE PLAZA  
HOTEL, a FAIRMONT MANAGED HOTEL,

Defendants.

---

Civil Case No. 1:16-cv-08879 (VSB)

(Electronically Filed Document)

**DECLARATION OF  
DAVID I. ROSEN**

DAVID I. ROSEN, an attorney duly admitted to practice before this Court as well as before the Courts of the State of New York, hereby declares the following to be true under the penalty of perjury:

1. I am a member of the law firm of Sills Cummis & Gross P.C., counsel to Defendants Sahara Plaza, LLC (“Sahara”) and Fairmont Hotels & Resorts (Maryland) LLC (incorrectly identified in the Complaint as “The Plaza Hotel, a Fairmont Managed Hotel”) (collectively, the “Defendants”) in the above-captioned civil action. I am fully familiar with the facts and prior proceedings had herein.

2. I submit this Declaration in support of Defendants’ Motion for Summary Judgment to dismiss the Complaint filed by Plaintiff Tina Michelle Braunstein (“Plaintiff” or “Ms. Braunstein”) in its entirety with prejudice.

3. Annexed as “Exhibit 1” are relevant excerpts from the deposition transcript of Plaintiff, taken on May 18, 2017.

4. Annexed as “Exhibit 2” are relevant excerpts from the deposition transcript of Martin Mariano (“Mr. Mariano”), taken on September 7, 2017.

5. Annexed as “Exhibit 3” are relevant excerpts from the deposition transcript of Evan Hunt (“Mr. Hunt”), taken on September 28, 2017.

6. Annexed as “Exhibit 4” is a true copy of the transcript of the Pre-Motion Conference held in this Court on October 6, 2017.

7. As admitted during her deposition, Plaintiff, on January 15, 2015, secretly recorded via her iPhone a meeting with Mr. Mariano, without his knowledge or consent. Plaintiff’s counsel produced a copy of this recording during discovery. A copy of an uncertified transcript of that recording prepared by an administrative staff member of Sills Cummis & Gross P.C. is annexed as “Exhibit 5.”


8. Annexed as “Exhibit 6” is a true copy of the Charge of Discrimination filed by Plaintiff with the Equal Employment Opportunity Commission (“EEOC”), EEOC Charge No. 520-2015-03582, dated February 8, 2016 (“EEOC Charge”), with an attached “Statement of Charging Party.”

9. Annexed as “Exhibit 7” is a true copy of a Dismissal and Notice of Rights from the EEOC to Plaintiff, dated August 15, 2016.

10. Annexed as “Exhibit 8” is a true copy of a letter from the EEOC to Plaintiff regarding the EEOC Charge, dated August 15, 2016.

11. Annexed as “Exhibit 9” is a true copy of a letter from Plaintiff’s counsel to the Court, dated October 4, 2017, ECF Doc. No. 22.

Dated: New York, New York  
March 14, 2018



David I. Rosen